



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 1 फरवरी, 2002/12 माघ, 1923

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla-171 001, the 10th January, 2002

No. HHC/Rules/22 (29)/84.—In exercise of the powers conferred under section 82 of the Arbitration and Conciliation Act, 1996, the High Court of Himachal Pradesh, makes the following rules :—

1. Short title, Commencement and Applicability.—(a) These rules may be called “The High Court of Himachal Pradesh (Arbitration and Conciliation) Rules, 2002.”

(b) They shall come into force with immediate effect.

(c) They shall extend to whole of the State of Himachal Pradesh and shall apply to all proceedings before the ‘Court’ under the Arbitration and Conciliation Act, 1996.

2. Definitions.—(i) (a) ‘Act’ means the Arbitration and Conciliation Act, 1996.

(b) ‘Application’ means an application filed in the ‘Court’ under the Act.

(c) ‘Arbitrator’ means a person so appointed under section 11 of the Act.

(d) ‘Chief Justice’ means the Chief Justice of the High Court of Himachal Pradesh.

- (e) 'Claimant' means a person making the claim.
 (f) 'Respondent' means a person against whom the claim is made.

(ii) Other expressions not specifically defined herein, shall carry the same meaning as they do under Section 2 of the Act.

3. *Mode of Application.*—(i) Every application shall be made in writing duly signed and verified in the manner prescribed by Order VI, Rules 14 and 15 of the Code of Civil Procedure, 1908 and if the Court so directs, shall be supported by an affidavit. It shall be divided into paragraphs numbered consecutively and shall contain the name, description and place of residence of the parties. It shall contain a statement in concise form :—

- (a) of the material facts constituting cause of action;
 (b) of facts showing that the Court to which the application is presented has jurisdiction;
 (c) relief(s) asked for; and
 (d) names and addresses of the persons liable to be affected by the application:

Provided that where a party by reason of absence or for any other reason, is unable to sign and verify the same, it may be signed and verified by any person duly authorised by him in this behalf and is proved to the satisfaction of the Court to be acquainted with the facts of the case.

(ii) An application for enforcement of an arbitral award under Section 36 or foreign award under Section 47 or Section 56 shall be in writing signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the particulars prescribed in sub-rule (2) of Rule 11 of Order 21 of the Code of Civil Procedure, 1908.

4. *Court fees and process fees.*—The Court fees and process fees chargeable for all applications shall be in accordance with the Court Fees Act and the Rules for the levy of process fee in force for the time being.

5. *Registration.*—Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as an arbitration case and every appeal shall be registered as an arbitration appeal.

6. *Show Cause notice.*—The Court to which an application is presented shall direct notice thereof to be given to the opposite party and to such other person(s) as are likely to be affected by the proceedings requiring show cause within a time to be specified in the notice why the relief(s) sought in the application be not granted. The notice shall be accompanied by a copy of the application and documents filed by the applicant.

7. *Applicability of the provisions of Code of Civil Procedure.*—(1) Save as otherwise expressly provided in the Act or these Rules the following provisions of the Code of Civil Procedure, 1908 (V of 1908) shall apply to the proceedings before a Court in so far as they may be applicable thereto, namely :—

- (i) Sections 28, 31, 35, 35-A, 35-B, 107, 133, 135, 148-A, 149, 151 and 152.

and

- (ii) Orders III, V, VI, IX, XIII, XIV, XVI to XIX, XXIX and XLI.

(2) (a) For the purpose of facilitating the application of the provisions referred to under sub-rule (i) the Court may construe them with such alterations, not affecting the substance, as may be necessary or proper to adopt to the matters before it ; and

(b) the Court may, for sufficient reasons proceed otherwise then in accordance with the said provisions if it is satisfied that the interests of the parties shall not thereby be prejudiced.

8. *Repeal*.—The “High Court of Himachal Pradesh (Arbitration & Conciliation) Rules, 2000”, framed under Section 82 of the Arbitration and Conciliation Act, 1996, shall stand repealed.

9. *Saving Clause*.—The action, if any, taken under the provisions of the High Court of Himachal Pradesh (Arbitration & Conciliation) Rules, 2000 and prior to coming into force of the present rules shall be deemed to have been taken under these rules:

Provided that the repeal of the aforesaid rules shall not, except as expressly provided in these rules :

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any order or decision given under the rules so repealed or anything duly done or suffered thereunder.

BY ORDER OF THE HON'BLE THE CHIEF JUSTICE & JUDGES.

V. K. SHARMA,
District & Sessions Judge,
(Inspection).

